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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 DWIGHT PERRY,) CASE NO. CV 08-7691-AHM (PJW)
12)
13 Petitioner,)
14) ORDER ACCEPTING REPORT AND
15 v.) RECOMMENDATION OF UNITED STATES
16 DERRAL G. ADAMS, WARDEN,) MAGISTRATE JUDGE AND DENYING
17) CERTIFICATE OF APPEALABILITY
18 Respondent.)
19 _____)
20

21 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition,
22 the records on file, and the Report and Recommendation of United
23 States Magistrate Judge. No objections to the Report and
24 Recommendation have been filed. The Court accepts the Magistrate
25 Judge's Report and adopts it as its own findings and conclusions.

26 Further, for the reasons stated in the Report and Recommendation,
27 the Court finds that Petitioner has not made a substantial showing of
28 the denial of a constitutional right and, therefore, a certificate of
appealability should not issue in this action. See 28 U.S.C.

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§ 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).

DATED: June 24, 2010

A handwritten signature in black ink, appearing to read "A. Howard Matz", is written over a light blue rectangular background.

A. HOWARD MATZ
UNITED STATES DISTRICT JUDGE